

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WARREN DURHAM,)	
)	
v.)	C.A. No. 04-297Erie
)	District Judge McLaughlin
CITY AND COUNTY OF ERIE, et al.)	Magistrate Judge Baxter
Defendants)	

CASE MANAGEMENT

ORDER

AND NOW, this 24th day of March, 2006;

IT IS HEREBY ORDERED that all discovery shall be completed by May 10, 2006.

IT IS FURTHER ORDERED that on or before May 19, 2006, plaintiff shall file a narrative written statement of the facts that will be offered by oral or documentary evidence at trial and shall include a list of all exhibits to be offered into evidence at the trial of the case and a list of the names and addresses of all witnesses the plaintiff intends to call. Plaintiff shall include a summary of the anticipated testimony of all witnesses.

IT IS FURTHER ORDERED that on or before June 2, 2006, defendants shall file and serve a written narrative statement of the facts that will be offered by oral or documentary evidence at the trial of the case and a list of the names and addresses of all witnesses the defendants intend to call, and/or a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

Failure to disclose fully in the pretrial narrative statement or at the pretrial conference the substance of the evidence to be offered at trial will result in exclusion of that evidence at trial. The only exceptions will be (1) matters which the court determines were not discoverable by the exercise of reasonable diligence as of the time of the pretrial conference; (2)

privileged matter; and (3) matter to be used solely for impeachment purposes.

IT IS FURTHER ORDERED that plaintiff shall serve upon defense counsel a copy of every pleading or other document submitted for consideration by the court and shall include on the original document filed with the Clerk of Court a certificate stating the date a true and correct copy of the pleading or document was mailed to counsel. Any pleading or other document received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service may be disregarded by the court.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
CHIEF UNITED STATES MAGISTRATE JUDGE